

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,  
Plaintiff(s),

v.

TIERRA DE LAS PALMAS OWNERS  
ASSOCIATION, et al.,  
Defendant(s).

Case No.: 2:16-cv-01362-APG-NJK

**REPORT AND RECOMMENDATION**

On January 6, 2020, the Court granted a motion for the attorney for Defendant Absolute Collection Services (“ACS”) to withdraw. Docket No. 44. In so doing, the Court also ordered ACS to file a notice of appearance by a new attorney by January 21, 2020. *Id.* The Court warned that failure to comply may result in the imposition of sanctions, up to and including case-dispositive sanctions. *Id.* ACS did not file a notice of appearance by a new attorney as ordered.

On January 24, 2020, the Court ordered ACS to show cause why default judgment should not be entered against it. Docket No. 45. On February 12, 2020, ACS responded to the order to show cause, indicating that it has been dissolved and lacks the resources to retain new counsel. Docket No. 47.<sup>1</sup> Moreover, no attorney has appeared on behalf of ACS in the four months since that response was filed.

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<sup>1</sup> As it was prepared without the assistance of an attorney, the Court construes this filing liberally. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

1 “A corporation may appear in federal court only through licensed counsel.” *United States*  
2 *v. High Country Broad. Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). In this case, ACS’s failure  
3 to comply with the Court’s order to retain counsel is an abusive litigation practice that has  
4 interfered with the Court’s ability to hear this case, delayed litigation, disrupted the Court’s timely  
5 management of its docket, wasted judicial resources, and threatened the integrity of the Court’s  
6 orders and the orderly administration of justice. Sanctions less drastic than default judgment are  
7 unavailable because ACS has been unable or unwilling to comply with the Court’s order to retain  
8 counsel and the Ninth Circuit has held that case-dispositive sanctions are appropriate for a  
9 corporation’s failure to retain counsel for the duration of the litigation since corporations may not  
10 appear in federal court without licensed counsel. *Id.*

11 Accordingly, the undersigned **RECOMMENDS** that default judgment be entered against  
12 Defendant Absolute Collection Services.

13 Dated: June 26, 2020

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Nancy J. Koppe  
United States Magistrate Judge

16  
17 **NOTICE**

18 This report and recommendation is submitted to the United States District Judge assigned  
19 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
20 recommendation must file a written objection supported by points and authorities within fourteen  
21 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
22 a timely objection may waive the right to appeal the district court’s order. *Martinez v. Ylst*, 951  
23 F.2d 1153, 1157 (9th Cir. 1991).